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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,820	09/12/2006	Dirkjan Bernhard Van Dam	NL 040270	1691

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, LAUREN

ART UNIT	PAPER NUMBER
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2871

MAIL DATE	DELIVERY MODE
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08/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,820	Applicant(s) VAN DAM ET AL.	
	Examiner LAUREN NGUYEN	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/15/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 05/12/2009 have been fully considered but they are not persuasive.
2. The applicant argues (see page 9) regarding the amended **claim 1** that either Tukude nor McLaughlin provide any teaching or suggestion to maintain the through holes in a state that would allow passage therethrough and Tukude and McLaughlin utilize the through holes for a functional purpose of allowing conductive between elements of the panel. The examiner respectfully disagrees. **McLaughlin et al.** (in at least column 8, lines 24-45, figure 5) teaches the hole (82, 84) being extended through both of the substrates (72, 78); said through holes being opened at each end to allow passage through said through hole. In fact, the applicant appears to admit that **McLaughlin et al.** teaches through holes being opened at each end to allow passage through said through hole by stating the through holes are filled with a conductive element to allow connection between control element, element 66, and conductive elements 76.
3. The claim language therefore does not patentably distinguish over the applied reference[s], and the previous rejections are maintained.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 09/15/2008 was filed after the mailing date of the instant application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 5, and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tukude (US 4,702,566)** in view of **McLaughlin et al. (US Re. 33,921)**.

7. Regarding **claim 1**, **Tukude** (figure 5) discloses a display panel comprising a first substrate (1) and a second substrate (4) being separated from each other by spacers (4, 14) and sealing between them a space, at least one of the spacers (4; 14) being penetrated by a hole (5) extending therethrough and through the substrate (4) to form a through hole (5) through the display panel (1), said at least one of the spacers (4; 14) and the substrates (1, 4) forming the wall of said through hole and sealing the space from the through hole (5; figure 5). **Tukude** does not disclose the hole being extended through both of the substrates. **McLaughlin et al.** (in at least column 8, lines 24-45, figure 5) teaches the hole (82, 84) being extended through both of the substrates (72, 78); said through holes being opened at each end to allow passage through said through hole. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the substrates as taught by **McLaughlin et al.** because such modification would provide effectively operate the display and enhance its appearance.

8. Regarding **claim 2**, **Tukude** (figure 5) discloses each spacer (4, 14) having a through hole (5) is located outside the pixel areas of the display panel (1).

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9. Regarding **claim 3, Tukude** (figure 5) discloses a plurality of through holes (5), each extending through a respective one of the spacers (4, 14) and through the substrate (4) to form a through hole through the display panel (1), are distributed over the surface (218) of the display panel. **Tukude** does not disclose the hole being extended through both of the substrates.

McLaughlin et al. (in at least column 8, lines 24-45, figure 5) teaches the hole (82, 84) being extended through both of the substrates (72, 78). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the substrates as taught by **McLaughlin et al.** because such modification would effectively operate the display and enhance its appearance.

10. Regarding **claim 5, McLaughlin et al.** (figure 5) discloses the display panel is an LCD-display, a foil display, an electro-wetting display, a polyled display, a fluorescent display, or a touch screen or pressure-sensitive display (see at least column 2, lines 58-65).

11. Regarding **claim 7, Tukude** (figure 5) discloses the display panel (1) has a plastic or steel substrate (see at least column 2, lines 32-35).

12. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tukude** in view of **McLaughlin et al.**, further in view of **Washizawa et al. (US 2004/0114090)**.

13. Regarding **claim 4, Tukude as modified by McLaughlin et al.** discloses the limitations as shown in the rejection of **claim 1** above. However, **Tukude as modified by McLaughlin et al.** does not disclose the spacers are made of a visually decorative material. **Washizawa et al.** (in at least paragraph 0054) teaches the spacers are made of a visually decorative material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify

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the spacers as taught by **Washizawa et al.** because such modification would prevent the deterioration in display contrast during black display.

14. **Claims 6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tukude** in view of **McLaughlin et al.**, further in view of **Chu (US 6,279,170)**.

15. Regarding **claim 6, Tukude as modified by McLaughlin et al.** discloses the limitations as shown in the rejection of **claim 1** above. However, **Tukude as modified by McLaughlin et al.** does not disclose the display panel is flexible or bendable and/or has flexible substrates. **Chu** (in at least column 1, lines 30-40; figure 1) teaches the display panel is flexible or bendable and/or has flexible substrates. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display panel as taught by **Chu** because such modification would reduce the mechanical stress on the device. In addition, the panel would be easily attached to wearable products.

16. Regarding **claim 8, Tukude as modified by McLaughlin et al.** discloses the limitations as shown in the rejection of **claim 1** above. However, **Tukude as modified by McLaughlin et al.** does not disclose the display panel is adapted to be integrated in a wearable product. **Chu** (in at least column 1, lines 30-40; figure 1) teaches the display panel is adapted to be integrated in a wearable product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display panel as taught by **Chu** because such modification would achieve labels for garments that can display animated designs and information changing over time.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lauren Nguyen whose telephone number is (571) 270-1428. The examiner can normally be reached on M-Th, 7:30-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system,

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contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. N./

Examiner, Art Unit 2871

/David Nelms/

Supervisory Patent Examiner, Art Unit 2871